## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JACKIE LEFLER, on Behalf of Himself and All Others Similarly Situated, § Plaintiff, V. Case No. <u>05 CV 303</u> CANDANCE K. BEINECKE, JEAN D. HAMILTON, WILLIAM M. KELLY, PAUL J. LAWLER, DOMINIQUE RAILLARD, NATHAN SNYDER, JOHN P. ARNHOLD, JAMES E. JORDAN, FIRST EAGLE FUNDS OF AMERICA, INC., ARNHOLD AND S. BLEICHROEDER ADVISORS, LL, IRIDIAN ASSET MANAGMENT, LLC, and JOHN DOES NO. 1 THROUGH 100 Defendants.

## NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. 41(a), plaintiff hereby dismisses this action, which has not been certified as a class action, without prejudice.

Dated: February 11, 2005

RESPECTFULLY SUBMITTED.

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